

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2498

Introduced by Assembly Member Bonta

February 19, 2016

An act to amend Section 6254 of the Government Code, and to amend Sections 293, 293.5, and 1048 of the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL’S DIGEST

AB 2498, as amended, Bonta. Human trafficking.

The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. Existing law exempts from disclosure any investigatory or security file compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. Existing law requires, however, that state and local law enforcement agencies make public specified information, including names of victims, relating to the circumstances surrounding all complaints or requests for assistance, among other things, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in the investigation. Existing law allows victims of specified crimes, including human trafficking, to request that their names be withheld from any public records request, and upon that request prohibits law enforcement

agencies from disclosing those names except under specified circumstances. Existing law additionally prohibits law enforcement agencies from disclosing the addresses of victims of specified crimes, including human trafficking.

This bill would ~~exempt the names, addresses, authorize, at the request of a victim and subject to specified restrictions, the withholding of the names and images of victims~~ *a victim* of human trafficking and ~~their~~ *that victim's* immediate family, as defined and as specified, from disclosure pursuant to the California Public Records ~~Act. Act until the investigation or any subsequent prosecution is complete.~~ The bill would additionally prohibit law enforcement agencies from disclosing the names, addresses, and images of victims of human trafficking and their immediate family, except under specified circumstances.

Existing law, as amended by the Californians Against Sexual Exploitation ~~Act, Act (CASE Act)~~, an initiative measure enacted by the approval of Proposition 35 at the November 6, 2012, statewide general election ~~(CASE Act)~~, proscribes the crime of human trafficking. A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or to effect or maintain a violation of various felony or misdemeanor offenses, including offenses relating to prostitution, child pornography, as specified, or extortion, as defined, is guilty of human trafficking. A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of various felony or misdemeanor offenses, is also guilty of human trafficking.

Existing law proscribes various sex offenses, including pimping and pandering. Existing law makes a person who procures another person for the purposes of prostitution, or who by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute guilty of pandering. Existing law makes a person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper, manager, or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person guilty of pimping.

Existing law generally requires that the issues on the court calendar be disposed of in a specified order, unless for good cause the court directs an action to be tried out of its order. Existing law requires that certain criminal actions, however, take precedence over all other criminal actions in the order of trial, including criminal actions in which a person is a victim of an alleged violation of a specified sex offense, including rape, incest, or sodomy, committed by the use of force, violence, or the threat of force or violence.

This bill would expand the list of criminal actions that take precedence over all other criminal actions in the order of trial to include human trafficking, as defined by the CASE Act, pimping, and pandering. The bill would also make technical and clarifying changes.

This bill would also make other technical, nonsubstantive, and conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect regarding the need to maintain the confidential names of victims of human trafficking and their families.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254 of the Government Code is amended
2 to read:
3 6254. Except as provided in Sections 6254.7 and 6254.13, this
4 chapter does not require the disclosure of any of the following
5 records:
6 (a) Preliminary drafts, notes, or interagency or intra-agency
7 memoranda that are not retained by the public agency in the
8 ordinary course of business, if the public interest in withholding
9 those records clearly outweighs the public interest in disclosure.
10 (b) Records pertaining to pending litigation to which the public
11 agency is a party, or to claims made pursuant to Division 3.6
12 (commencing with Section 810), until the pending litigation or
13 claim has been finally adjudicated or otherwise settled.

1 (c) Personnel, medical, or similar files, the disclosure of which
2 would constitute an unwarranted invasion of personal privacy.

3 (d) Records contained in or related to any of the following:

4 (1) Applications filed with any state agency responsible for the
5 regulation or supervision of the issuance of securities or of financial
6 institutions, including, but not limited to, banks, savings and loan
7 associations, industrial loan companies, credit unions, and
8 insurance companies.

9 (2) Examination, operating, or condition reports prepared by,
10 on behalf of, or for the use of, any state agency referred to in
11 paragraph (1).

12 (3) Preliminary drafts, notes, or interagency or intra-agency
13 communications prepared by, on behalf of, or for the use of, any
14 state agency referred to in paragraph (1).

15 (4) Information received in confidence by any state agency
16 referred to in paragraph (1).

17 (e) Geological and geophysical data, plant production data, and
18 similar information relating to utility systems development, or
19 market or crop reports, that are obtained in confidence from any
20 person.

21 (f) Records of complaints to, or investigations conducted by,
22 or records of intelligence information or security procedures of,
23 the office of the Attorney General and the Department of Justice,
24 the Office of Emergency Services and any state or local police
25 agency, or any investigatory or security files compiled by any other
26 state or local police agency, or any investigatory or security files
27 compiled by any other state or local agency for correctional, law
28 enforcement, or licensing purposes. However, state and local law
29 enforcement agencies shall disclose the names and addresses of
30 persons involved in, or witnesses other than confidential informants
31 to, the incident, the description of any property involved, the date,
32 time, and location of the incident, all diagrams, statements of the
33 parties involved in the incident, the statements of all witnesses,
34 other than confidential informants, to the victims of an incident,
35 or an authorized representative thereof, an insurance carrier against
36 which a claim has been or might be made, and any person suffering
37 bodily injury or property damage or loss, as the result of the
38 incident caused by arson, burglary, fire, explosion, larceny,
39 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
40 by subdivision (b) of Section 13951, unless the disclosure would

1 endanger the safety of a witness or other person involved in the
2 investigation, or unless disclosure would endanger the successful
3 completion of the investigation or a related investigation. However,
4 this subdivision does not require the disclosure of that portion of
5 those investigative files that reflects the analysis or conclusions
6 of the investigating officer.

7 Customer lists provided to a state or local police agency by an
8 alarm or security company at the request of the agency shall be
9 construed to be records subject to this subdivision.

10 Notwithstanding any other provision of this subdivision, state
11 and local law enforcement agencies shall make public the following
12 information, except to the extent that disclosure of a particular
13 item of information would endanger the safety of a person involved
14 in an investigation or would endanger the successful completion
15 of the investigation or a related investigation:

16 (1) The full name and occupation of every individual arrested
17 by the agency, the individual's physical description including date
18 of birth, color of eyes and hair, sex, height and weight, the time
19 and date of arrest, the time and date of booking, the location of
20 the arrest, the factual circumstances surrounding the arrest, the
21 amount of bail set, the time and manner of release or the location
22 where the individual is currently being held, and all charges the
23 individual is being held upon, including any outstanding warrants
24 from other jurisdictions and parole or probation holds.

25 (2) (A) Subject to the restrictions imposed by Section 841.5 of
26 the Penal Code, the time, substance, and location of all complaints
27 or requests for assistance received by the agency and the time and
28 nature of the response thereto, including, to the extent the
29 information regarding crimes alleged or committed or any other
30 incident investigated is recorded, the time, date, and location of
31 occurrence, the time and date of the report, the name and age of
32 the victim, the factual circumstances surrounding the crime or
33 incident, and a general description of any injuries, property, or
34 weapons involved. The name of a victim of any crime defined by
35 Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,
36 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,
37 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
38 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the
39 victim's request, or at the request of the victim's parent or guardian
40 if the victim is a minor. When a person is the victim of more than

1 one crime, information disclosing that the person is a victim of a
2 crime defined in any of the sections of the Penal Code set forth in
3 this subdivision may be deleted at the request of the victim, or the
4 victim's parent or guardian if the victim is a minor, in making the
5 report of the crime, or of any crime or incident accompanying the
6 crime, available to the public in compliance with the requirements
7 of this paragraph.

8 ~~(B) Notwithstanding subparagraph (A), names, addresses,~~
9 *Subject to the restrictions imposed by Section 841.5 of the Penal*
10 *Code, the names and images of a victim of human trafficking, as*
11 *defined in Section 236.1 of the Penal Code, and of that victim's*
12 *immediate family, other than a family member who is charged*
13 *with a criminal offense arising from the same incident, shall be*
14 ~~*withheld and remain confidential.*~~ *may be withheld at the victim's*
15 *request until the investigation or any subsequent prosecution is*
16 *complete.* For purposes of this subdivision, "immediate family"
17 shall have the same meaning as that provided in paragraph (3) of
18 subdivision (b) of Section 422.4 of the Penal Code.

19 (3) Subject to the restrictions of Section 841.5 of the Penal Code
20 and this subdivision, the current address of every individual
21 arrested by the agency and the current address of the victim of a
22 crime, if the requester declares under penalty of perjury that the
23 request is made for a scholarly, journalistic, political, or
24 governmental purpose, or that the request is made for investigation
25 purposes by a licensed private investigator as described in Chapter
26 11.3 (commencing with Section 7512) of Division 3 of the Business
27 and Professions Code. However, the address of the victim of any
28 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
29 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
30 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7,
31 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall
32 remain confidential. Address information obtained pursuant to this
33 paragraph shall not be used directly or indirectly, or furnished to
34 another, to sell a product or service to any individual or group of
35 individuals, and the requester shall execute a declaration to that
36 effect under penalty of perjury. This paragraph shall not be
37 construed to prohibit or limit a scholarly, journalistic, political, or
38 government use of address information obtained pursuant to this
39 paragraph.

1 (g) Test questions, scoring keys, and other examination data
2 used to administer a licensing examination, examination for
3 employment, or academic examination, except as provided for in
4 Chapter 3 (commencing with Section 99150) of Part 65 of Division
5 14 of Title 3 of the Education Code.

6 (h) The contents of real estate appraisals or engineering or
7 feasibility estimates and evaluations made for or by the state or
8 local agency relative to the acquisition of property, or to
9 prospective public supply and construction contracts, until all of
10 the property has been acquired or all of the contract agreement
11 obtained. However, the law of eminent domain shall not be affected
12 by this provision.

13 (i) Information required from any taxpayer in connection with
14 the collection of local taxes that is received in confidence and the
15 disclosure of the information to other persons would result in unfair
16 competitive disadvantage to the person supplying the information.

17 (j) Library circulation records kept for the purpose of identifying
18 the borrower of items available in libraries, and library and museum
19 materials made or acquired and presented solely for reference or
20 exhibition purposes. The exemption in this subdivision shall not
21 apply to records of fines imposed on the borrowers.

22 (k) Records, the disclosure of which is exempted or prohibited
23 pursuant to federal or state law, including, but not limited to,
24 provisions of the Evidence Code relating to privilege.

25 (l) Correspondence of and to the Governor or employees of the
26 Governor's office or in the custody of or maintained by the
27 Governor's Legal Affairs Secretary. However, public records shall
28 not be transferred to the custody of the Governor's Legal Affairs
29 Secretary to evade the disclosure provisions of this chapter.

30 (m) In the custody of or maintained by the Legislative Counsel,
31 except those records in the public database maintained by the
32 Legislative Counsel that are described in Section 10248.

33 (n) Statements of personal worth or personal financial data
34 required by a licensing agency and filed by an applicant with the
35 licensing agency to establish his or her personal qualification for
36 the license, certificate, or permit applied for.

37 (o) Financial data contained in applications for financing under
38 Division 27 (commencing with Section 44500) of the Health and
39 Safety Code, if an authorized officer of the California Pollution
40 Control Financing Authority determines that disclosure of the

1 financial data would be competitively injurious to the applicant
2 and the data is required in order to obtain guarantees from the
3 United States Small Business Administration. The California
4 Pollution Control Financing Authority shall adopt rules for review
5 of individual requests for confidentiality under this section and for
6 making available to the public those portions of an application that
7 are subject to disclosure under this chapter.

8 (p) Records of state agencies related to activities governed by
9 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
10 (commencing with Section 3525), and Chapter 12 (commencing
11 with Section 3560) of Division 4, that reveal a state agency's
12 deliberative processes, impressions, evaluations, opinions,
13 recommendations, meeting minutes, research, work products,
14 theories, or strategy, or that provide instruction, advice, or training
15 to employees who do not have full collective bargaining and
16 representation rights under these chapters. This subdivision shall
17 not be construed to limit the disclosure duties of a state agency
18 with respect to any other records relating to the activities governed
19 by the employee relations acts referred to in this subdivision.

20 (q) (1) Records of state agencies related to activities governed
21 by Article 2.6 (commencing with Section 14081), Article 2.8
22 (commencing with Section 14087.5), and Article 2.91
23 (commencing with Section 14089) of Chapter 7 of Part 3 of
24 Division 9 of the Welfare and Institutions Code, that reveal the
25 special negotiator's deliberative processes, discussions,
26 communications, or any other portion of the negotiations with
27 providers of health care services, impressions, opinions,
28 recommendations, meeting minutes, research, work product,
29 theories, or strategy, or that provide instruction, advice, or training
30 to employees.

31 (2) Except for the portion of a contract containing the rates of
32 payment, contracts for inpatient services entered into pursuant to
33 these articles, on or after April 1, 1984, shall be open to inspection
34 one year after they are fully executed. If a contract for inpatient
35 services that is entered into prior to April 1, 1984, is amended on
36 or after April 1, 1984, the amendment, except for any portion
37 containing the rates of payment, shall be open to inspection one
38 year after it is fully executed. If the California Medical Assistance
39 Commission enters into contracts with health care providers for

1 other than inpatient hospital services, those contracts shall be open
2 to inspection one year after they are fully executed.

3 (3) Three years after a contract or amendment is open to
4 inspection under this subdivision, the portion of the contract or
5 amendment containing the rates of payment shall be open to
6 inspection.

7 (4) Notwithstanding any other law, the entire contract or
8 amendment shall be open to inspection by the Joint Legislative
9 Audit Committee and the Legislative Analyst's Office. The
10 committee and that office shall maintain the confidentiality of the
11 contracts and amendments until the time a contract or amendment
12 is fully open to inspection by the public.

13 (r) Records of Native American graves, cemeteries, and sacred
14 places and records of Native American places, features, and objects
15 described in Sections 5097.9 and 5097.993 of the Public Resources
16 Code maintained by, or in the possession of, the Native American
17 Heritage Commission, another state agency, or a local agency.

18 (s) A final accreditation report of the Joint Commission on
19 Accreditation of Hospitals that has been transmitted to the State
20 Department of Health Care Services pursuant to subdivision (b)
21 of Section 1282 of the Health and Safety Code.

22 (t) Records of a local hospital district, formed pursuant to
23 Division 23 (commencing with Section 32000) of the Health and
24 Safety Code, or the records of a municipal hospital, formed
25 pursuant to Article 7 (commencing with Section 37600) or Article
26 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
27 Division 3 of Title 4 of this code, that relate to any contract with
28 an insurer or nonprofit hospital service plan for inpatient or
29 outpatient services for alternative rates pursuant to Section 10133
30 of the Insurance Code. However, the record shall be open to
31 inspection within one year after the contract is fully executed.

32 (u) (1) Information contained in applications for licenses to
33 carry firearms issued pursuant to Section 26150, 26155, 26170,
34 or 26215 of the Penal Code by the sheriff of a county or the chief
35 or other head of a municipal police department that indicates when
36 or where the applicant is vulnerable to attack or that concerns the
37 applicant's medical or psychological history or that of members
38 of his or her family.

39 (2) The home address and telephone number of prosecutors,
40 public defenders, peace officers, judges, court commissioners, and

1 magistrates that are set forth in applications for licenses to carry
2 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
3 of the Penal Code by the sheriff of a county or the chief or other
4 head of a municipal police department.

5 (3) The home address and telephone number of prosecutors,
6 public defenders, peace officers, judges, court commissioners, and
7 magistrates that are set forth in licenses to carry firearms issued
8 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
9 Code by the sheriff of a county or the chief or other head of a
10 municipal police department.

11 (v) (1) Records of the Managed Risk Medical Insurance Board
12 and the State Department of Health Care Services related to
13 activities governed by Part 6.3 (commencing with Section 12695),
14 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing
15 with Section 12739.5), or Part 6.7 (commencing with Section
16 12739.70) of Division 2 of the Insurance Code, or Chapter 2
17 (commencing with Section 15810) or Chapter 4 (commencing with
18 Section 15870) of Part 3.3 of Division 9 of the Welfare and
19 Institutions Code, and that reveal any of the following:

20 (A) The deliberative processes, discussions, communications,
21 or any other portion of the negotiations with entities contracting
22 or seeking to contract with the board or the department, entities
23 with which the board or the department is considering a contract,
24 or entities with which the board or department is considering or
25 enters into any other arrangement under which the board or the
26 department provides, receives, or arranges services or
27 reimbursement.

28 (B) The impressions, opinions, recommendations, meeting
29 minutes, research, work product, theories, or strategy of the board
30 or its staff or the department or its staff, or records that provide
31 instructions, advice, or training to their employees.

32 (2) (A) Except for the portion of a contract that contains the
33 rates of payment, contracts entered into pursuant to Part 6.3
34 (commencing with Section 12695), Part 6.5 (commencing with
35 Section 12700), Part 6.6 (commencing with Section 12739.5), or
36 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
37 Insurance Code, or Chapter 2 (commencing with Section 15810)
38 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
39 Division 9 of the Welfare and Institutions Code, on or after July

1 1, 1991, shall be open to inspection one year after their effective
2 dates.

3 (B) If a contract that is entered into prior to July 1, 1991, is
4 amended on or after July 1, 1991, the amendment, except for any
5 portion containing the rates of payment, shall be open to inspection
6 one year after the effective date of the amendment.

7 (3) Three years after a contract or amendment is open to
8 inspection pursuant to this subdivision, the portion of the contract
9 or amendment containing the rates of payment shall be open to
10 inspection.

11 (4) Notwithstanding any other law, the entire contract or
12 amendments to a contract shall be open to inspection by the Joint
13 Legislative Audit Committee. The committee shall maintain the
14 confidentiality of the contracts and amendments thereto, until the
15 contracts or amendments to the contracts are open to inspection
16 pursuant to paragraph (3).

17 (w) (1) Records of the Managed Risk Medical Insurance Board
18 related to activities governed by Chapter 8 (commencing with
19 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
20 that reveal the deliberative processes, discussions, communications,
21 or any other portion of the negotiations with health plans, or the
22 impressions, opinions, recommendations, meeting minutes,
23 research, work product, theories, or strategy of the board or its
24 staff, or records that provide instructions, advice, or training to
25 employees.

26 (2) Except for the portion of a contract that contains the rates
27 of payment, contracts for health coverage entered into pursuant to
28 Chapter 8 (commencing with Section 10700) of Part 2 of Division
29 2 of the Insurance Code, on or after January 1, 1993, shall be open
30 to inspection one year after they have been fully executed.

31 (3) Notwithstanding any other law, the entire contract or
32 amendments to a contract shall be open to inspection by the Joint
33 Legislative Audit Committee. The committee shall maintain the
34 confidentiality of the contracts and amendments thereto, until the
35 contracts or amendments to the contracts are open to inspection
36 pursuant to paragraph (2).

37 (x) Financial data contained in applications for registration, or
38 registration renewal, as a service contractor filed with the Director
39 of Consumer Affairs pursuant to Chapter 20 (commencing with
40 Section 9800) of Division 3 of the Business and Professions Code,

1 for the purpose of establishing the service contractor's net worth,
2 or financial data regarding the funded accounts held in escrow for
3 service contracts held in force in this state by a service contractor.

4 (y) (1) Records of the Managed Risk Medical Insurance Board
5 and the State Department of Health Care Services related to
6 activities governed by Part 6.2 (commencing with Section 12693)
7 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
8 the Insurance Code or Sections 14005.26 and 14005.27 of, or
9 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
10 9 of, the Welfare and Institutions Code, if the records reveal any
11 of the following:

12 (A) The deliberative processes, discussions, communications,
13 or any other portion of the negotiations with entities contracting
14 or seeking to contract with the board or the department, entities
15 with which the board or department is considering a contract, or
16 entities with which the board or department is considering or enters
17 into any other arrangement under which the board or department
18 provides, receives, or arranges services or reimbursement.

19 (B) The impressions, opinions, recommendations, meeting
20 minutes, research, work product, theories, or strategy of the board
21 or its staff, or the department or its staff, or records that provide
22 instructions, advice, or training to employees.

23 (2) (A) Except for the portion of a contract that contains the
24 rates of payment, contracts entered into pursuant to Part 6.2
25 (commencing with Section 12693) or Part 6.4 (commencing with
26 Section 12699.50) of Division 2 of the Insurance Code, on or after
27 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
28 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
29 the Welfare and Institutions Code shall be open to inspection one
30 year after their effective dates.

31 (B) If a contract entered into pursuant to Part 6.2 (commencing
32 with Section 12693) or Part 6.4 (commencing with Section
33 12699.50) of Division 2 of the Insurance Code or Sections
34 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
35 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
36 Code, is amended, the amendment shall be open to inspection one
37 year after the effective date of the amendment.

38 (3) Three years after a contract or amendment is open to
39 inspection pursuant to this subdivision, the portion of the contract

1 or amendment containing the rates of payment shall be open to
2 inspection.

3 (4) Notwithstanding any other law, the entire contract or
4 amendments to a contract shall be open to inspection by the Joint
5 Legislative Audit Committee. The committee shall maintain the
6 confidentiality of the contracts and amendments thereto until the
7 contract or amendments to a contract are open to inspection
8 pursuant to paragraph (2) or (3).

9 (5) The exemption from disclosure provided pursuant to this
10 subdivision for the contracts, deliberative processes, discussions,
11 communications, negotiations, impressions, opinions,
12 recommendations, meeting minutes, research, work product,
13 theories, or strategy of the board or its staff, or the department or
14 its staff, shall also apply to the contracts, deliberative processes,
15 discussions, communications, negotiations, impressions, opinions,
16 recommendations, meeting minutes, research, work product,
17 theories, or strategy of applicants pursuant to Part 6.4 (commencing
18 with Section 12699.50) of Division 2 of the Insurance Code or
19 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
20 9 of the Welfare and Institutions Code.

21 (z) Records obtained pursuant to paragraph (2) of subdivision
22 (f) of Section 2891.1 of the Public Utilities Code.

23 (aa) A document prepared by or for a state or local agency that
24 assesses its vulnerability to terrorist attack or other criminal acts
25 intended to disrupt the public agency's operations and that is for
26 distribution or consideration in a closed session.

27 (ab) Critical infrastructure information, as defined in Section
28 131(3) of Title 6 of the United States Code, that is voluntarily
29 submitted to the Office of Emergency Services for use by that
30 office, including the identity of the person who or entity that
31 voluntarily submitted the information. As used in this subdivision,
32 "voluntarily submitted" means submitted in the absence of the
33 office exercising any legal authority to compel access to or
34 submission of critical infrastructure information. This subdivision
35 shall not affect the status of information in the possession of any
36 other state or local governmental agency.

37 (ac) All information provided to the Secretary of State by a
38 person for the purpose of registration in the Advance Health Care
39 Directive Registry, except that those records shall be released at

1 the request of a health care provider, a public guardian, or the
2 registrant's legal representative.

3 (ad) The following records of the State Compensation Insurance
4 Fund:

5 (1) Records related to claims pursuant to Chapter 1
6 (commencing with Section 3200) of Division 4 of the Labor Code,
7 to the extent that confidential medical information or other
8 individually identifiable information would be disclosed.

9 (2) Records related to the discussions, communications, or any
10 other portion of the negotiations with entities contracting or seeking
11 to contract with the fund, and any related deliberations.

12 (3) Records related to the impressions, opinions,
13 recommendations, meeting minutes of meetings or sessions that
14 are lawfully closed to the public, research, work product, theories,
15 or strategy of the fund or its staff, on the development of rates,
16 contracting strategy, underwriting, or competitive strategy pursuant
17 to the powers granted to the fund in Chapter 4 (commencing with
18 Section 11770) of Part 3 of Division 2 of the Insurance Code.

19 (4) Records obtained to provide workers' compensation
20 insurance under Chapter 4 (commencing with Section 11770) of
21 Part 3 of Division 2 of the Insurance Code, including, but not
22 limited to, any medical claims information, policyholder
23 information provided that nothing in this paragraph shall be
24 interpreted to prevent an insurance agent or broker from obtaining
25 proprietary information or other information authorized by law to
26 be obtained by the agent or broker, and information on rates,
27 pricing, and claims handling received from brokers.

28 (5) (A) Records that are trade secrets pursuant to Section
29 6276.44, or Article 11 (commencing with Section 1060) of Chapter
30 4 of Division 8 of the Evidence Code, including without limitation,
31 instructions, advice, or training provided by the State Compensation
32 Insurance Fund to its board members, officers, and employees
33 regarding the fund's special investigation unit, internal audit unit,
34 and informational security, marketing, rating, pricing, underwriting,
35 claims handling, audits, and collections.

36 (B) Notwithstanding subparagraph (A), the portions of records
37 containing trade secrets shall be available for review by the Joint
38 Legislative Audit Committee, California State Auditor's Office,
39 Division of Workers' Compensation, and the Department of
40 Insurance to ensure compliance with applicable law.

1 (6) (A) Internal audits containing proprietary information and
2 the following records that are related to an internal audit:

3 (i) Personal papers and correspondence of any person providing
4 assistance to the fund when that person has requested in writing
5 that his or her papers and correspondence be kept private and
6 confidential. Those papers and correspondence shall become public
7 records if the written request is withdrawn, or upon order of the
8 fund.

9 (ii) Papers, correspondence, memoranda, or any substantive
10 information pertaining to any audit not completed or an internal
11 audit that contains proprietary information.

12 (B) Notwithstanding subparagraph (A), the portions of records
13 containing proprietary information, or any information specified
14 in subparagraph (A) shall be available for review by the Joint
15 Legislative Audit Committee, California State Auditor's Office,
16 Division of Workers' Compensation, and the Department of
17 Insurance to ensure compliance with applicable law.

18 (7) (A) Except as provided in subparagraph (C), contracts
19 entered into pursuant to Chapter 4 (commencing with Section
20 11770) of Part 3 of Division 2 of the Insurance Code shall be open
21 to inspection one year after the contract has been fully executed.

22 (B) If a contract entered into pursuant to Chapter 4 (commencing
23 with Section 11770) of Part 3 of Division 2 of the Insurance Code
24 is amended, the amendment shall be open to inspection one year
25 after the amendment has been fully executed.

26 (C) Three years after a contract or amendment is open to
27 inspection pursuant to this subdivision, the portion of the contract
28 or amendment containing the rates of payment shall be open to
29 inspection.

30 (D) Notwithstanding any other law, the entire contract or
31 amendments to a contract shall be open to inspection by the Joint
32 Legislative Audit Committee. The committee shall maintain the
33 confidentiality of the contracts and amendments thereto until the
34 contract or amendments to a contract are open to inspection
35 pursuant to this paragraph.

36 (E) This paragraph is not intended to apply to documents related
37 to contracts with public entities that are not otherwise expressly
38 confidential as to that public entity.

1 (F) For purposes of this paragraph, “fully executed” means the
2 point in time when all of the necessary parties to the contract have
3 signed the contract.

4 This section does not prevent any agency from opening its
5 records concerning the administration of the agency to public
6 inspection, unless disclosure is otherwise prohibited by law.

7 This section does not prevent any health facility from disclosing
8 to a certified bargaining agent relevant financing information
9 pursuant to Section 8 of the National Labor Relations Act (29
10 U.S.C. Sec. 158).

11 SEC. 2. Section 293 of the Penal Code is amended to read:

12 293. (a) An employee of a law enforcement agency who
13 personally receives a report from a person, alleging that the person
14 making the report has been the victim of a sex offense, shall inform
15 that person that his or her name will become a matter of public
16 record unless he or she requests that it not become a matter of
17 public record, pursuant to Section 6254 of the Government Code.

18 (b) A written report of an alleged sex offense shall indicate that
19 the alleged victim has been properly informed pursuant to
20 subdivision (a) and shall memorialize his or her response.

21 (c) A law enforcement agency shall not disclose to a person,
22 except the prosecutor, parole officers of the Department of
23 Corrections and Rehabilitation, hearing officers of the parole
24 authority, probation officers of county probation departments, or
25 other persons or public agencies where authorized or required by
26 law, the address of a person who alleges to be the victim of a sex
27 offense.

28 (d) A law enforcement agency shall not disclose to a person,
29 except the prosecutor, parole officers of the Department of
30 Corrections and Rehabilitation, hearing officers of the parole
31 authority, probation officers of county probation departments, or
32 other persons or public agencies where authorized or required by
33 law, the name of a person who alleges to be the victim of a sex
34 offense if that person has elected to exercise his or her right
35 pursuant to this section and Section 6254 of the Government Code.

36 (e) A law enforcement agency shall not disclose to a person,
37 except the prosecutor, parole officers of the Department of
38 Corrections and Rehabilitation, hearing officers of the parole
39 authority, probation officers of county probation departments, or
40 other persons or public agencies where authorized or required by

1 law, names, addresses, or images of a person who alleges to be
2 the victim of human trafficking, as defined in Section 236.1, or of
3 that alleged victim's immediate family, other than a family member
4 who is charged with a criminal offense arising from the same
5 incident, and that information and those images shall be withheld
6 and remain confidential. For purposes of this subdivision,
7 "immediate family" shall have the same meaning as that provided
8 in paragraph (3) of subdivision (b) of Section 422.4 of the Penal
9 Code.

10 (f) For purposes of this section, sex offense means any crime
11 listed in subparagraph (A) of paragraph (2) of subdivision (f) of
12 Section 6254 of the Government Code.

13 (g) Parole officers of the Department of Corrections and
14 Rehabilitation, hearing officers of the parole authority, and
15 probation officers of county probation departments shall be entitled
16 to receive information pursuant to subdivisions (c), (d), and (e)
17 only if the person to whom the information pertains alleges that
18 he or she is the victim of a sex offense or is the victim of human
19 trafficking, as defined in Section 236.1, the alleged perpetrator of
20 which is a parolee who is alleged to have committed the offense
21 while on parole, or in the case of a county probation officer, the
22 person who is alleged to have committed the offense is a
23 probationer or is under investigation by a county probation
24 department.

25 SEC. 3. Section 293.5 of the Penal Code is amended to read:

26 293.5. (a) Except as provided in Chapter 10 (commencing
27 with Section 1054) of Part 2 of Title 7, or for cases in which the
28 alleged victim of a sex offense, as specified in subdivision (f) of
29 Section 293, has not elected to exercise his or her right pursuant
30 to Section 6254 of the Government Code, the court, at the request
31 of the alleged victim, may order the identity of the alleged victim
32 in all records and during all proceedings to be either Jane Doe or
33 John Doe, if the court finds that such an order is reasonably
34 necessary to protect the privacy of the person and will not unduly
35 prejudice the prosecution or the defense.

36 (b) If the court orders the alleged victim to be identified as Jane
37 Doe or John Doe pursuant to subdivision (a) and if there is a jury
38 trial, the court shall instruct the jury, at the beginning and at the
39 end of the trial, that the alleged victim is being so identified only

1 for the purpose of protecting his or her privacy pursuant to this
2 section.

3 SEC. 4. Section 1048 of the Penal Code is amended to read:

4 1048. (a) The issues on the calendar shall be disposed of in
5 the following order, unless for good cause the court directs an
6 action to be tried out of its order:

7 (1) Prosecutions for felony, when the defendant is in custody.

8 (2) Prosecutions for misdemeanor, when the defendant is in
9 custody.

10 (3) Prosecutions for felony, when the defendant is on bail.

11 (4) Prosecutions for misdemeanor, when the defendant is on
12 bail.

13 (b) Notwithstanding subdivision (a), all criminal actions in
14 which (1) a minor is detained as a material witness or is the victim
15 of the alleged offense, (2) a person who was 70 years of age or
16 older at the time of the alleged offense or is a dependent adult, as
17 defined in subdivision (h) of Section 368, was a witness to, or is
18 the victim of, the alleged offense, or (3) a person is a victim of an
19 alleged violation of subdivision (a), ~~(b)~~ (b), or (c) of Section 236.1,
20 Section 261, 262, 264.1, 266i, 266h, 273a, 273d, 285, 286, 288,
21 288a, or 289, committed by the use of force, violence, or the threat
22 of force or violence, shall be given precedence over all other
23 criminal actions in the order of trial. In those actions, continuations
24 shall be granted by the court only after a hearing and determination
25 of the necessity thereof, and in any event, the trial shall be
26 commenced within 30 days after arraignment, unless for good
27 cause the court shall direct the action to be continued, after a
28 hearing and determination of the necessity of the continuance, and
29 states the findings for a determination of good cause on the record.

30 (c) This section shall not be deemed to provide a statutory right
31 to a trial within 30 days.

32 SEC. 5. The Legislature finds and declares that Section 1 of
33 this act, which amends Section 6254 of the Government Code,
34 imposes a limitation on the public's right of access to the meetings
35 of public bodies or the writings of public officials and agencies
36 within the meaning of Section 3 of Article I of the California
37 Constitution. Pursuant to that constitutional provision, the
38 Legislature makes the following findings to demonstrate the interest
39 protected by this limitation and the need for protecting that interest:

- 1 In order to protect the privacy and safety of victims of human
- 2 trafficking and their families, it is necessary to limit the public's
- 3 right of access to the personal information of those victims.

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